

Message Text

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ACTION SNM-05

INFO OCT-01 EUR-12 ISO-00 DEAE-00 CIAE-00 INR-10 IO-14
JUSE-00 NSAE-00 CTME-00 TRSE-00 ICA-20 NSC-05
OES-09 OMB-01 PPTE-00 CA-01 L-03 /081 W
-----045549 252100Z /14
R 250822Z JUL 78
FM AMEMBASSY ATHENS
TO SECSTATE WASHDC 6885

UNCLAS ATHENS 6293

E.O. 11652 N/A
TAGS SNAR, GR
SUBJECT: NARCOTICS LAWS: GREECE

REF: STATE 170187

1 THE FOLLOWING REPORT IS KEYED TO QUESTIONS IN
CORRESPONDING HEADINGS OF THE REFERENCED TELEGRAM.

2. REPORT OF GREEK NARCOTICS LAWS:

1) POSSESSION A) NO DIFFERENTIATION IS MADE IN
GREEK LAW FOR POSSESSION OF VARIOUS NARCOTICS. IN
JUDICIAL PRACTICE, HOWEVER, THE COURT HAS DISCRETIONARY
SENTENCING AUTHORITY AND USES IT. FOR EXAMPLE, THE
POSSESSOR OF HEROIN WOULD FARE WORSE THAN THE POSSESSOR
OF BARBITUATES. B) THERE IS NO MINIMUM QUALIFYING
AMOUNT FOR THE OFFENSE TO BE COMMITTED. C) PENALTIES
RANGE FROM 5 TO 20 YEARS IMPRISONMENT AND FROM 50,000
TO 10,000,000 DRACHMAE FINE. IN PRACTICE, POSSESSORS
RECEIVE SENTENCES LESS SEVERE THAN DO TRAFFICKERS, ALTHOUGH
THE SAME LAW APPLIES TO BOTH.

2) TRAFFICKING: A) THE LAW DOES CONSOLIDATE
ALL CONTROLLED SUBSTANCES INTO A GENERAL TRAFFICKING
OFFENSE. B) MAXIMUM AND MINIMUM PENALTIES AND
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MANDATORY SENTENCING REQUIREMENTS TO EXIST. THE
GENERAL MINIMUM TERM OF IMPRISONMENT OF FIVE YEARS IS
REDUCED TO ONE YEAR IN THE EVENT OF NEGLIGENT COMMISSION
AND ADDICTS MAY BE DETAINED IN HOSPITAL INSTITUTIONS.
C) A TRAFFICKER IS ONE WHO SHALL "IMPORT INTO THE
COUNTRY OR EXPORT OR TRANSPORT NARCOTIC SUBSTANCES".
D). CONSPIRACY TO TRAFFIC, OR AN ACT COMMITTED BY A

SINGLE PERSON "WHO ACTED BY PROFESSION OR BY HABIT OR THE TOTAL OF THE CIRCUMSTANCES GIVE EVIDENCE THAT THE OFFENDER IS AN ESPECIALLY DANGEROUS PERSON, OR THAT HE SEEKS TO CAUSE THE USE OF NARCOTICS SUBSTANCES BY INDIVIDUALS BELOW THE AGE OF EIGHTEEN YEARS," ENTAILS MANDATORY LIFE IMPRISONMENT.

3) CULTIVATION, PRODUCTION, ELABORATION. A) THE CULTIVATION OF CANNABIS AND OPIUM POPPIES IS PROHIBITED BY LAW. B) CULTIVATION IS ILLEGAL. C) THE ELABORATION OF NARCOTICS SUBSTANCES FROM INDICI CANNABIS OR THE SOMNIFEROUS POPPY IS ILLEGAL UNDER THE GENERAL PENALTIES LAW (ANSWER 1.C).

4) FINANCIAL. A) FINANCIAL SUPPORT FOR THE CULTIVATION, ELABORATION OR TRAFFIC IN NARCOTICS IS PROSCRIBED UNDER A GENERAL PROHIBITION TO "CONTRIBUTE IN ANY WAY TO THE SPREAD OF THE USE OF NARCOTIC SUBSTANCES". B) THERE ARE SEPARATE LAWS ON THE PROTECTION OF NATIONAL CURRENCY. CATEGORIES OF THOSE ENTITLED TO FOREIGN CURRENCY PRIVILEGES INCLUDING FOREIGN BANK ACCOUNTS ARE REGULATED BY LAW. EXCEPT FOR A LIMITED NUMBER OF CATEGORIES (FOR EXAMPLE, PERMANENT RESIDENTS ABROAD OR SEAMEN), NO GREEK CITIZEN CAN HAVE A FOREIGN BANK ACCOUNT OR CURRENCY EXPORT PRIVILEGES WITHOUT SPECIAL PERMISSION FROM THE CURRENCY COMMITTEE OF THE BANK OF GREECE.
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5) CRIMINAL PROCEDURE. A) INVESTIGATIVE DETENTION LASTS 24 HOURS AND CAN BE EXTENDED WITH THE PUBLIC PROSECUTOR'S APPROVAL. CONSULAR NOTIFICATION USUALLY OCCURS WITHIN 24 HOURS OF DETENTION, AND CONSULAR ACCESS USUALLY OCCURS WITHIN THE FIRST 48 HOURS OF DETENTION, OR UPON COMPLETION OF THE PRELIMINARY INVESTIGATION. B) PRE-TRIAL DETENTION CAN, WITH THE PERMISSION OF THE PUBLIC PROSECUTOR AND THE INVESTIGATING JUDGE, EXTEND TO 18 MONTHS. THE CUSTOMARY PERIOD IS 5-6 MONTHS. C) CASES ARE TRIED BY A 5-MEMBER COURT OF APPEALS, AND THE TRIAL PROCESS TAKES 4-5 MONTHS. APPEALS TO THE SUPREME COURT ARE OF VARIABLE DURATION. D) A PUBLIC DEFENDER IS AVAILABLE, BUT IN CASES INVOLVING FOREIGN NATIONALS, LAWYERS ARE USUALLY PRIVATELY EMPLOYED. FEES ARE NEGOTIABLE AND HAVE BEEN IN THE \$500 TO \$1,500 RANGE. E) NO PAROLE PROVISION EXISTS. THERE IS PAROLE UPON COMPLETION OF 2/3 OF THE SENTENCE, BUT PAROLEES ARE EXPELLED FROM THE COUNTRY. F) IT IS NOT CUSTOMARY TO EXPEL VARIOUS OFFENDERS. ON THE CONTRARY, CONVICTED NARCOTICS OFFENDERS USUALLY SERVE THEIR SENTENCES FIRST AND THEN ARE DEPORTED, NEVER TO RETURN TO GREECE. AN EXCEPTION TO THIS IS THE PROVISION

OF GREEK LAW THAT ALLOWS SUSPENSION OF SENTENCES FOR
OFFENDERS WHO TURN STATE'S EVIDENCE. ON JULY 22, TWO DUTCH
TOURISTS WERE CONVICTED OF SMUGGLING 18 KILOGRAMS OF
HEROIN FROM BANGKOK TO VIENNA AND SENTENCED TO FIFTEEN
YEARS' IMPRISONMENT. THE SENTENCES WERE, HOWEVER, SUSPENDED
AFTER THEIR DEFENSE ATTORNEY TOLD THE ATHENS COURT THAT HIS
CLIENTS HAD HELPED THE GREEK AUTHORITIES AND INTERPOL TO
ARREST OTHER NARCOTICS SMUGGLERS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978ATHENS06293
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780305-0516
Format: TEL
From: ATHENS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780721/aaaaarkj.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ff06e76c-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 170187
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1889374
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS: GREECE
TAGS: SNAR, GR
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/ff06e76c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014